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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,149	01/03/2002	Jay R. Anderson	41037.P002	7439

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Detto Technologies
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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,149

Applicant(s)

ANDERSON ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 19-29 and 50-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 30-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 19-29, 50-59 and 60-64 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/29/2004.
2. Applicant's election without traverse of claims 1-18 and 30-49 in Group I, in the reply filed on 9/29/2004 is acknowledged. Claims 1-18 and 30-49 are pending in this Office Action.

Priority

3. Applicant is claiming the benefit of priority under 35 U.S.C. 119(e) since a U.S. Provisional Application No. 60/259,998 is filed on 1/5/2001. So, the examiner honors the priority as per statutory law.

Specification

4. The summary of the invention is not included in the specification. A summary is required that is clearly indicative of the invention to which the claims are directed. See MPEP §§ 608.01(d).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

5. Claims 6, 8-10, 14, 30, 35, 37-39 and 43 are objected to because of the following informalities: claims have a number of misspelled words. Appropriate correction is required. The details are as follows:

- Claim 6: corrected as "specifications" miss-spelled as "spefications"
- Claim 8: corrected as "exportable" miss-spelled as "exporatable"
- Claim 9: corrected as "exportable" miss-spelled as "exportable"
- Claim 10: corrected as "organized" miss-spelled as "ogranized"
- Claim 14: corrected as "includes" miss-spelled as "includs"
- Claim 30: corrected as "instructions" miss-spelled as "instrutions"
- Claim 35: corrected as "specifications" miss-spelled as "spefications"
- Claim 37: corrected as "exportable" miss-spelled as "exporatable"
- Claim 38: corrected as "exportable" miss-spelled as "exportable"
- Claim 39: corrected as "perform" miss-spelled as "perfom"
- Claim 39: corrected as "organized" miss-spelled as "ogranized"
- Claim 43: corrected as "includes" miss-spelled as "includs"

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1-18 and 30-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al. (US Patent 6,763,458) hereinafter Watanabe.

8. As per independent claims 1 and 30, Watanabe teaches a method permits a user to select and execute one of a plurality of operating systems available on the device at the time of powering on the device where data generated by an application program executing within one of the plurality of operating systems available to a different application program executing within a different operating system of the same device (col. 1, lines 27-33). Watanabe teaches the claimed step of "determining cross application function/service classifications of exportable data of an application" as it reads data 703 in the local database 702 and creates or updates an exported data file 712 on the compatible partition 612 (Fig. 6-7, col. 33, lines 46-48). Further, Watanabe teaches the claimed step of "exporting said exportable data of said application in a cross application function/service based manner, based at least in part on said determined cross application function/service classifications of said exportable data" as it is assumed that exporting of the database 702 exports the complete database

including all of the data 602 in it and an update if the exported data file 712 is completely over written (Fig. 6-7, col. 33, lines 47-53).

Watanabe teaches the other limitations of claim 30 as follows:

“a storage medium having a recordable medium” as storage device 140-1 (Fig. 1, col. 12, lines 61-65).

“a plurality of machine readable programming instructions recorded on said recordable medium of said storage medium” as the storage for programs and code (Fig. 1, col. 14, lines 64-67).

9. As per dependent claims 2 and 31, Watanabe teaches the claimed step of “determining of cross application function/service classifications of exportable data of an application comprises determining the cross application function/service classifications of data specified in data publication statements of the application” as the data publisher reads the new data to import file 724 in the compatible partition 612 (Fig. 6-7, col. 35, lines 29-36).

10. As per dependent claims 3 and 32, Watanabe teaches the claimed step of “the method further comprises retrieving said data publication statements of the application” as it makes the GET request to request to a different URL which requests the download of new data such as XML stream encoding new data is integrated into the local database 702 (Fig. 7, col. 34, lines 61-64).

11. As per dependent claims 4 and 33, Watanabe teaches the claimed step of “retrieving of the data publication statements of the application comprises retrieving the data publication statements from a descriptor of the application” as the received files is an XML file and represents a new state of the database and this XML stream can overwrite any exiting file (Fig. 7, col. 35, lines 6-10).

12. As per dependent claims 5 and 34, Watanabe teaches the claimed step of “data specifications reference data having cross application function/service based classifications of a cross application function/service based data classification model” as the operating system modules that provides a particular categories of server support (col. 22, lines 6-12).

13. As per dependent claims 6 and 35, Watanabe teaches the claimed step of “data specifications comprise encoded binary references referencing said data having cross application function/service based classifications of a cross application function/service based data classification model” as boot mode selection to the pc system via a parallel binary data channel (Fig. 4, col. 24, lines 39-42).

14. As per dependent claims 7 and 36, Watanabe teaches the claimed step of “retrieving said exportable data of said application and storing said retrieved data of said application in a plurality of datasets that are organized in accordance with

said cross application function/service classifications” as the boot control is selected from the group consisting of an electrical signal received from an external signal source, and a state of a bit stored in a bit storage location of the device (col. 9, lines 11-14).

15. As per dependent claims 8 and 37, Watanabe teaches the claimed step of “retrieving of exportable data of said application comprises retrieving exportable control data of said application from control data files of said application” as the boot control indicator is derived from the value of electrical signals generated by a control switch (col. 23, lines 65-67).

16. As per dependent claims 9 and 38, Watanabe teaches the claimed step of “retrieving of exportable data of said application comprises retrieving user data of said application from an operating environment within which said application executes” as the system 100 and user data 155 (Fig. 1, col. 15, lines 5).

17. As per dependent claims 10 and 39, Watanabe teaches the claimed step of “storing comprises correspondingly storing said retrieved data into datasets organized for the cross application functions/services to which the data are associated as data upload/download is done (Fig. 6-7, col. 33, lines 35-44).

18. As per dependent claims 11 and 40, Watanabe teaches the claimed step of “storing further comprises storing meta data into each of said datasets describing the

data stored in each of the datasets” as the dispatcher program 716 senses the launch configuration input 718 to determine appliance mode (Fig. 7, col. 34, lines 29).

19. As per dependent claims 12 and 41, wherein each of said storing of meta data comprises storing an encoded binary representation having at least a portion referencing data having cross application function/service classification of a cross application function/service classification model (Fig. 7, col. 25, lines 48-58).

20. As per dependent claims 13 and 42, Watanabe teaches the claimed step of “each of said storing of meta data comprises storing an encoded binary representation having at least a portion identifying the application as the publisher of the data (Fig. 6A, col. 25, lines 22-29).

21. As per dependent claims 14 and 43, Watanabe teaches the claimed step of “portion of the encoded binary representation includes among its identification of the application, functions/services provided by the application” as the control bits 326 are associated with for boot decision (Fig. 6A, col. 25, lines 34-37).

22. As per dependent claims 15 and 44, Watanabe teaches the claimed step of “the method further comprises discovering presence of said application” as either the first operating system or the second operating system may selectable be loaded into memory of the computer for execution (8A, col. 26, lines 6-10).

23. As per dependent claims 16 and 45, Watanabe teaches the claimed step of "discovering comprises retrieving a plurality of presence criteria of said application and determining if the presence criteria are met" the FAT partition is compatible and accessible in both Win32 and Linux environment (Fig. 8A, col. 26, lines 10-15).

24. As per dependent claims 17 and 46, Watanabe teaches the claimed step of "retrieving comprises retrieving said plurality of presence criteria from a descriptor of said application" the dedicated environment of the secondary operating system downloads the critical information which is cached in the File Allocation table or other multi-operating system compatible partition (Fig. 9A, col. 26, lines 56-59).

25. As per dependent claims 18 and 47, Watanabe teaches the claimed step of "determining if the presence criteria are met comprises accessing a registry of an operating environment within which said application is installed to verify if said presence criteria are met" as compatible partition utilizing a File Allocation Table file structure (Fig. 8A, col. 26, lines 4-5).

26. As per dependent claim 48, Watanabe teaches the claimed "article and said apparatus are one of the same, and said article/apparatus further comprises at least one processor coupled to the storage medium to execute the programming instructions"

as the primary and secondary operating systems and memory coupled to a processor within a computer or an information appliance (Fig. 8A-8C, col. 25, lines 59-67).


27. As per dependent claim 49, Watanabe teaches the claimed "article/apparatus is a selected one of a wireless mobile phone, a palm sized computing device, a notebook sized computing device, a desktop computing device, a set-top box and a server" as the computing device may be a mobile telephone, personal data assistant or a fixed or other portable communication device (col. 28, lines 5-18).

Conclusion

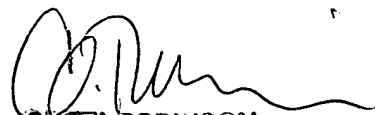
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sathyanarayan Pannala
Examiner
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3/3/05